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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,329	07/10/2003	David Turner Monk	20711-0032-U1	2818

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EXAMINER

BELT, SAMUEL E

ART UNIT PAPER NUMBER

3746

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/617,329

Applicant(s)

MONK ET AL.

Examiner

Samuel E. Belt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 3-14 and 17-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-2, 15-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-2 and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Poliansky (U.S. Patent 2,732,124).

Poliansky discloses reciprocating compressor comprising: a linear motor (column 4, lines 1+) at least one piston (Figure 2, item 8) and cylinder arrangement (Figure 1, item 2), the piston and cylinder arrangement comprising a cylinder, a piston configured and disposed to travel in the cylinder and a piston rod connected to the piston; and a mechanism (Figure 1, item 18) operatively connecting the linear motor to the at least one piston and cylinder arrangement to move the piston in the cylinder upon operation of the linear motor, the mechanism having a mechanical configuration to limit overtravel and undertravel of the piston in the cylinder; wherein the mechanism comprises a connecting rod (Figure 1, item 11) and eccentric (see note).

**(Note:**

1.) Examiner is interpreting "a mechanical configuration between a motor and a piston to limit overtravel and undertravel of the piston in the cylinder", as being any mechanical linkage that is used to attach the motor to the piston

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2.) Eccentric is being interpreted as being the connector between 18 and the base of Figure 1.

**End Note)**

Claim 1-2 and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Massie (U.S. Patent 5,409,356).

Massie discloses reciprocating compressor (column 1, lines 8+) comprising: a linear motor (Figure 1, item 10); at least one piston and cylinder arrangement (Figure 1, item 17), the piston and cylinder arrangement comprising a cylinder, a piston configured and disposed to travel in the cylinder and a piston rod connected to the piston; and a mechanism (Figure 1, item 12) operatively connecting the linear motor to the at least one piston and cylinder arrangement to move the piston in the cylinder upon operation of the linear motor, the mechanism having a mechanical configuration to limit overtravel and undertravel of the piston in the cylinder (See note 1); wherein the mechanism comprises a connecting rod (not labeled; however clearly seen in Figure 1) and eccentric (See note 2).

**(Note:**

1.) Examiner is interpreting "a mechanical configuration between a motor and a piston to limit overtravel and undertravel of the piston in the cylinder", as being any mechanical linkage that is used to attach the motor to the piston

2.) Eccentric is being interpreted as being the connector between 14 and 12 of Figure 1.

**End Note)**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1 and 15 have been fully considered but they are not deemed persuasive.

In response to applicant's arguments regarding claim 1, see page 4 of 8 of "Remarks", regarding a mechanism having a mechanical configuration to limit overtravel and undertravel of the piston in the cylinder. The applicant suggests that neither Massie nor Poliansky teach or suggest a mechanism for limiting overtravel and undertravel of the piston in the cylinder. Examiner is interpreting any type of mechanical linkage, which is of a fixed dimension (i.e. a connecting rod), and mechanically attaches the motor to the piston would clearly limit the pistons travel distance. The applicant is reminded that the specification is entitled to reasonable consideration in ascertaining meaning of terminology of claims. However, disclosure cannot be relied upon during prosecution to impart unexpressed limitations into claim or to impart unexpressed restrictions on intangible claim language.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the


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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel E. Belt whose telephone number is (571) 272-7820. The examiner can normally be reached on M-F, 8 - 4:30EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached on (571) 272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
SEB

  
EHUD GARTENBERG  
SUPERVISORY PATENT EXAMINER